



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Mr. Christopher Geissler
Barrington, IL 60010

DEC 10 2010

RE: MUR 6292

Dear Mr. Geissler:

On May 20, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On December 1, 2010, the Commission found, on the basis of the information in the complaint, information provided by you, and information provided by others, there is no reason to believe you violated 2 U.S.C. § 441a(a)(1)(A). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Q. Luckett".

Roy Q. Luckett
Acting Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENT:** Christopher Geissler

MUR: 6292

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8 **I. GENERATION OF MATTER**

9 This matter was generated by a complaint filed by Richard Cape, alleging that
10 Christopher Geissler violated the Federal Election Campaign Act of 1971, as amended ("the
11 Act").

12 **II. FACTUAL AND LEGAL ANALYSIS**

13 The complaint maintains that Bryan Javor conducted a poll on behalf of, and paid for by,
14 Christopher Geissler, a primary opponent of Joe Walsh and gave the results to Walsh's principal
15 campaign committee, Joe Walsh for Congress Committee ("JWCC"), before giving them to
16 Mr. Geissler. If the allegation is true, the poll results may have constituted an excessive in-kind
17 contribution if the value exceeded the \$2,400 per election limit. An email attached to the
18 complaint confirms Javor was to conduct a poll on January 25 or 26, 2010. Complaint at 10-11.

19 Christopher Geissler responded that he has no knowledge of who provided services to
20 Walsh but is interested in how phone survey information compiled by a consulting firm engaged
21 by his campaign committee was furnished to an opponent. Geissler Response.

22 JWCC states that the allegation that it received a poll conducted by Javor for one of
23 Walsh's opponents is simply not true. It represents that it engaged ReachFly on January 26,
24 2010, to conduct a limited poll to test name recognition and geographic areas of strength and
25 weakness to permit it to more effectively target its efforts in the closing days of the primary
26 campaign. JWCC maintains that ReachFly did not issue an invoice for the poll during the 2010

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1 April Quarterly reporting period but did so subsequently and that it would report expenditures for
2 these services in the 2010 July Quarterly Report.

3 Bryan Javor states that it is JWCC's responsibility to report any contributions he made to
4 it. He denies, however, that he gave poll results to another candidate different than the one who
5 paid for the poll.

6 JWCC has now amended its 2010 April Quarterly Report to reflect a January 26, 2010,
7 \$550 in-kind contribution from Javor for "in-kind auto calls" and a \$1,081.27 debt owed to
8 ReachFly for "tech assistance and phone calls." Thus, JWCC appears to have reported the
9 limited poll conducted by Javor and ReachFly in its amended 2010 April Quarterly Report.

10 The Act provides that a person may not make contributions that aggregate in excess of
11 the statutory limitation with respect to any election for Federal office. 2 U.S.C. § 441a(a)(1)(A).
12 In the 2010 election cycle, the individual contribution limit is \$2,400.

13 The available information does not suggest that results from a poll Geissler paid for were
14 given to JWCC, which includes JWCC's denials and Geissler's stated lack of knowledge about
15 any such action. Accordingly, the Commission has determined to find no reason to believe that
16 Christopher Geissler violated 2 U.S.C. § 441a(a)(1)(A).

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